

BOARD OF ZONING APPEALS DIVISION III

September 8, 2026

Case Number: 2026-DV1-025 (Rehearing)
Address: 7279 North Keystone Avenue (approximate address)
Location: Washington Township, Council District #3
Zoning: C-4 (FF)
Petitioner: Midland Realty LLC, by Greg Dempsey
Request: Variance of Development Standards of the Consolidated Zoning and Subdivision Ordinance to provide for the construction of an automobile fueling station and convenience store with deficient north side building facade transparency (40 percent required), per plans submitted.

Current Land Use: Vacant Commercial Restaurant Building
Staff Recommendations: Staff recommends **approval** of this petition subject to plans submitted.
Staff Reviewer: Robert Uhlenhake, Senior Planner

PETITION HISTORY

This petition was originally scheduled for July 7, 2026, Board of Zoning Appeals I hearing. After an automatic continuance was filed and accepted by Staff, the petition was mistakenly listed on the July 7, 2026, docket. Since the automatic continuance had been accepted prior to the docketing, the petition was rescheduled with new notice to the August 11, 2026, hearing. This petition was continued for cause from the August 11, 2025, hearing, to the September 9, 2026 hearing, at the request of a remonstrator.

The petitioner has **requested that this petition be withdrawn** at the September 9, 2026, hearing.

STAFF RECOMMENDATION

Staff recommends **approval** of this petition subject to plans submitted.

PETITION OVERVIEW

- The currently proposed development would allow for placement of a fueling station and convenience store at this site which would include both 12 accessory fuel pumps under a fuel pump canopy.
- This property is zoned C-4 (Community-Regional District) to allow for the development of major business groupings and regional-size shopping centers to serve a population ranging from a community or neighborhoods to a major segment of the total metropolitan area. Typical uses might include home improvement stores, department stores, and theaters. Similarly, the Comprehensive Plan Pattern Book recommends this site to the Community Commercial working typology to allow for low intensity commercial and office uses that serve nearby neighborhoods.

- Regulations on building transparency within the Ordinance exist to ensure both public safety and visibility for emergency responders as well as to allow for activation of facades that contain public pedestrian entrances. While the proposed front façade to the south would meet the 40% standard required for C-4 zoning, the rear entrance along the northern façade wouldn't contain any transparency at all (other than the doorway itself which would not count toward the required 40%).
- While Staff is hesitant to recommend approval of such variations, Staff would note that a majority of the area adjacent to the northern façade is associated with bathrooms, limiting the amount of public window transparency. The primary and public retail area is adjacent to the southern façade and has ample windows, therefore, Staff believes that the convenience markets design meets the intent of the Ordinance.

GENERAL INFORMATION

Existing Zoning	C-4	
Existing Land Use	Vacant Commercial	
Comprehensive Plan	Community Commercial	
Surrounding Context	<u>Zoning</u>	Surrounding Context
North:	C-4	Commercial
South:	C-4	Commercial
East:	C-4	Commercial
West:	C-4	Commercial
Thoroughfare Plan		
North Keystone Avenue	Primary Arterial	135-foot existing and proposed right-of-way
Context Area	Metro	
Floodway / Floodway Fringe	500-year	
Overlay	No	
Wellfield Protection Area	No	
Site Plan	05/12/2026	
Elevations	05/12/2026	
Landscape Plan	N/A	
Findings of Fact	05/12/2026	

COMPREHENSIVE PLAN ANALYSIS

Comprehensive Plan

- Marion County Land Use Plan Pattern Book

Pattern Book / Land Use Plan

- The Marion County Land Use Plan Pattern Book recommends this site to the Community Commercial working typology provides for low intensity commercial and office uses that serve nearby neighborhoods. These uses are usually in freestanding buildings or small, integrated centers. Examples include small-scale shops, personal services, professional and business services, grocery stores, drug stores, restaurants, and public gathering spaces.

Red Line / Blue Line / Purple Line TOD Strategic Plan

- Not Applicable to the Site.

Neighborhood / Area Specific Plan

- Not Applicable to the Site.

Infill Housing Guidelines

- Not Applicable to the Site.

Indy Moves

(Thoroughfare Plan, Pedestrian Plan, Bicycle Master Plan, Greenways Master Plan)

- Not Applicable to the Site.

ZONING HISTORY

2000-DV1-067; 7279 North Keystone Avenue (subject site), requested a variance of development standards of the Commercial Zoning Ordinance to provide for the construction of a 2,000 square foot building, with 14 off-street parking spaces located within the proposed right-of-way of Keystone Avenue with a six-foot wide landscape buffer along the existing right-of-way of Keystone Avenue, and without the required decorative fence along the perimeter of the outdoor seating area, **withdrawn**.

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EXHIBITS

Aerial Map



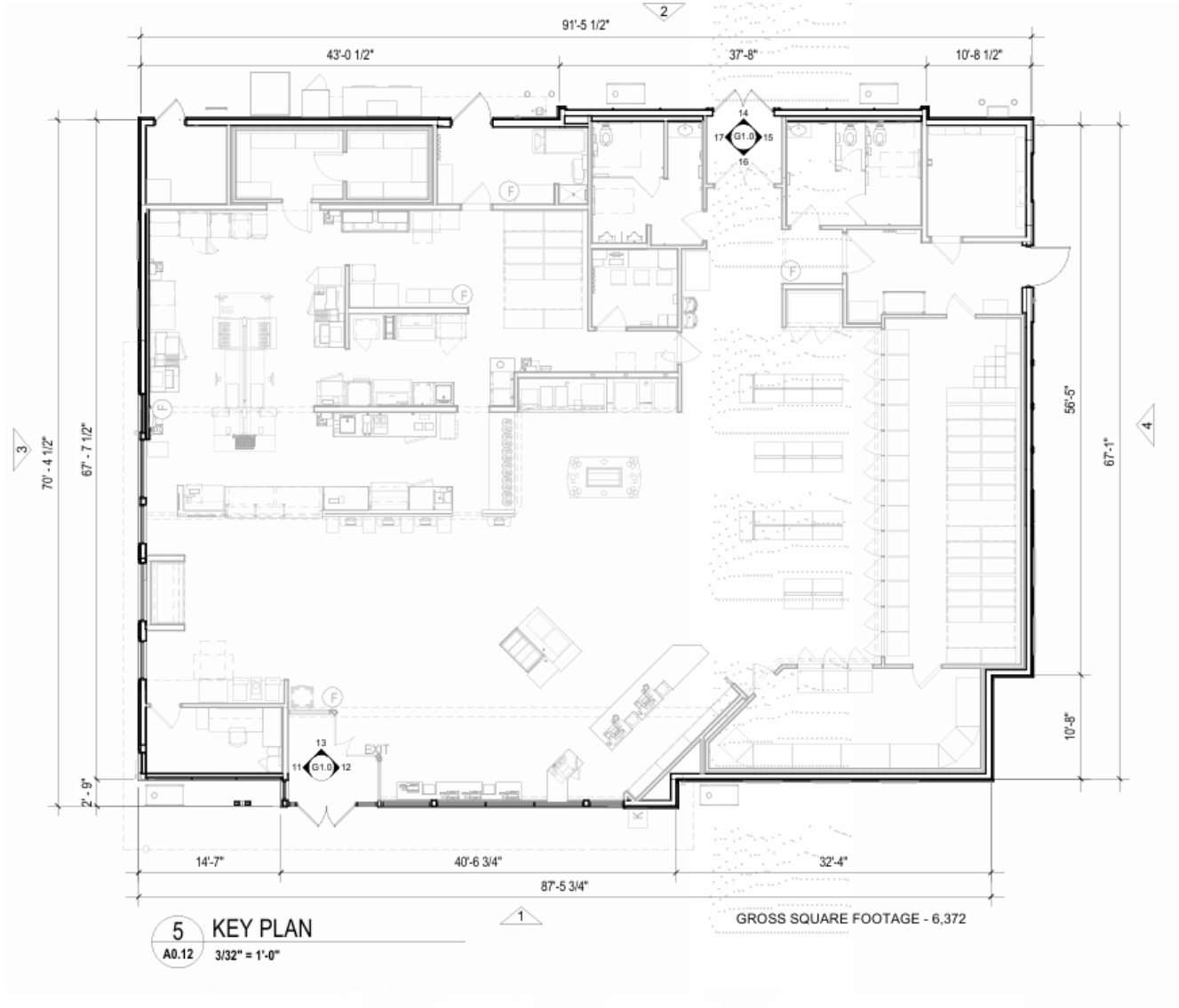
Site Plan



Elevation Plans



Floorplan





Findings of Fact

Petition Number _____

**METROPOLITAN DEVELOPMENT COMMISSION
HEARING EXAMINER
METROPOLITAN BOARD OF ZONING APPEALS, Division _____
OF MARION COUNTY, INDIANA**

PETITION FOR VARIANCE OF DEVELOPMENT STANDARDS

FINDINGS OF FACT

1. The grant will not be injurious to the public health, safety, morals, and general welfare of the community because:

The intent of the variance is to prevent the pedestrians and customers from being able to see into sensitive areas of the building such as, restrooms, kitchen, storage areas, and mechanical rooms. Opaque spandrel glass is being proposed in lieu of full transparent windows to prevent viewing of sensitive areas of the building that would otherwise be injurious to the public health, safety, morals and general welfare of the community

2. The use or value of the area adjacent to the property included in the variance will not be affected in a substantially adverse manner because:

The intent of the ordinance is being met. Granting the variance will not result in a visibly obvious from the outside of the building. The sum total of the translucent and opaque spandrel glass will meet the requirements of the ordinance, the adjacent areas will not be adversely affected.

3. The strict application of the terms of the zoning ordinance will result in practical difficulties in the use of the property because:

Strict adherence to the transparency requirements on the rear, north, facade will result in creating both privacy and security issues by allowing visibility into sensitive areas such as restrooms, storage areas, kitchen and mechanical room. Customers will still have access into the store through the front, south, entrance as well as a secondary public entrance on the rear, north, side of the building.

Photographs



Subject site, existing building to be demolished, looking northeast.



Subject site, existing building to be demolished, looking southwest.



Adjacent commercial to the west of subject site.



Adjacent commercial to the east of subject site.



Adjacent commercial to the north of subject site.



Adjacent commercial to the south of subject site.